

R E C E I V E D
MAY 22 2020

CLERK'S OFFICE
U.S. DISTRICT COURT
ANN ARBOR, MI

5-1-2020
ATT. COURT CLERK,

I was told to submit this paperwork to you as this is the court I was sentenced in. By the Honorable Judge Omeara.
case number 09 CR 20502-1 on 4-21-2010.

If granted I have home placement plans. with home, work, health care "V.A." and all basic needs and family support.

THANK YOU.
MATTHEW TYLER
43913-039.

IN THE UNITED STATES DISTRICT COURT

MATTHEW TYLER (43913-039)

PETITIONER;

)

) ORIGINAL CONVICTION CASE NO.

) 09cr20502-1

THE UNITED STATES OF AMERICA;

)

RESPONDENT;

)

* * * * * PETITION SEEKING EXPEDITED RELIEF PURSUANT TO 28 USCS

§ 3582(c)(1)(A)(i) UNDER LIFE-THREATENING PRISON PRACTICES

COMES NOW PETITIONER/DEFENDANT,

HIS PROPRIA PERSONA STATUS, PRAYERFULLY PETITIONING THIS HONOURABLE

DISTRICT COURT TO GRANT THIS PETITIONER COMPASSIONATE RELEASE

PURSUANT TO 18 USCS § 3582(c)(1)(A)(i). ADDITIONALLY, THE UNITED

STATES ATTORNEY'S GENERAL MR. WILLIAM BARR HAS CLEARLY

MANDATED THE FEDERAL BUREAU OF PRISONS, HERINAFTER (FBOP),

COMPLIANCE WITH EXPANDING AND EXPEDITING COMPASSIONATE RELEASE OR

COMPASSIONATE RELEASE TO HOME CONFINEMENT FOR PRISON INMATES. WHILE

CERTAIN CRITERIA ARE BEING CONSIDERED FOR COMPASSIONATE RELEASE

AVAILABILITY, THIS PETITIONER (INITIALLY) PRESENTS ONE FACT IRRESPECTIVE

OF AND DISCONNECTED FROM ANY PARTICULAR SENTENCE TIME OR CONVICTION.

THAT FACT IS THAT THIS INMATE DID NOT RECEIVE A DEATH SENTENCE FROM

THE DISTRICT COURT OF CONVICTION. THEREFORE, TO ARBITRARILY ALLOW THE

(FBOP) TO ENHANCE PETITIONER'S SENTENCE TO A DEATH SENTENCE IS

UNCONSTITUTIONAL, UNLAWFUL, AND MORALLY REPUGNANT.

DISCUSSION

PETITIONER ECHOS ATTORNEYS' GENERAL MR. BARR AND HIS RELEASED MEMO TO THE (FBOP) AND THE DEPARTMENT OF JUSTICE, HEREINAFTER (DOJ), IN ITS ABSOLUTE AGREEMENT, IN TOTAL, WITH MR.

BARR IT IS NECESSARY TO ACKNOWLEDGE THAT THE MEMO WAS AN ORDERED DIRECTIVE. THIS MEMO WAS RELEASED ON APRIL 3, 2020

AND THE MANDATE WAS TO BE IMMEDIATELY IMPLEMENTED. WHILE THE MEMO WAS DESIGNED FOR BUREAU-WIDE IMPLEMENTATION, THERE ARE THREE

(3) SPECIFIC INSTITUTIONS THAT HAVE A SIGNIFICANT NUMBER OF INFECTED

INMATES AND STAFF. THESE INSTITUTIONS ARE FEDERAL CORRECTIONAL

INSTITUTION OAKDALE, LOUISIANA; FEDERAL CORRECTIONAL INSTITUTION

DANBURY, CONNECTICUT; AND, MOST NOTABLY REGARDING THIS PETITIONER

AND THIS PETITION, FEDERAL CORRECTIONAL INSTITUTION ELKTON, OHIO.

INMATES ARE DYEING AT F.C.I. ELKTON AND THE STAFF HERE ARE BEING

LATHARGIC IN THEIR ORDER TO MOVE OUT PRISON INMATES TO; 1) REMOVE "AT-RISK"

CRIERIA ACCEPTABLE INMATES FROM PRISON, SO 2) OTHER INMATES WHO DO NOT

FIT CRITERIA ACCEPTABILITY CAN SAFELY PRACTICE "SOCIAL DISTANCING".

NON-EQUALITY PETITIONER ACKNOWLEDGES THAT PRISON WAS NOT IMPLEMENTED

TO BE A "GARDEN PARTY" AND THAT PRISON OVERCROWDING IS WELL DOCUMENTED

AND A FACT OF CIRCUMSTANCE. BUT, CONVERSELY, PRISON WAS NOT IMPLEMENTED

TO BE A "RANDOM EXTERMINATION CAMP". AS AN EXAMPLE, SOME FOOD SERVED

IN THE (FBOP) IS CLEARLY LABELED "NOT FIT FOR HUMAN

CONSUMPTION". JUST ONE EXAMPLE. NEVERTHELESS, OTHER FACTS

RELATED TO THIS CORONAVIRUS PANDEMIC NEEDS NOTATION AND JUDICIAL

CONSIDERATION.

1) PRISON-OVERCROWDING IS UNIVERSALLY KNOWN AND

ACCEPTED BY EVERY GOVERNMENT INDIVIDUAL AND/OR AGENCY AND SUCH

HAS BEEN PROMOTED FOR AT LEAST TWO (2) DECADES.

2) (FBOP) & (DOJ) BOTH RECOGNIZE THE DANGEROUSNESS

OVER EXTREME OVERCROWDING RELATING TO INMATE HEALTH AND SAFETY.

3) WHILE THE (DOJ) FILED CIVIL SUITS AGAINST VARIOUS

STATES REGARDING STATE PRISON OVERCROWDING FORCING STATE INMATE

POPULATION REDUCTIONS, THE (DOJ) DID NOTHING (ALLOWING FEDERAL

PRISON OVERCROWDING PROLIFERATION FOR DECADES) IN FEDERAL PRISONS

BUREAU-WIDE REGARDING HEALTH AND SAFETY DANGERS FROM EXCESSIVE

INMATE OVERCROWDING.

4) WHILE PAST FEDERAL PRISON OVERCROWDING CARRIED

A RELATIVE DANGEROUSNESS; EXPONENTIAL DEATH POSSIBILITY IN THE

'PACKED PRISONS' IS NOW VERY REAL.

5) F.C.I. ELKTON HAS MULTIPLE DOZENS OF INMATE AND

STAFF TESTING POSITIVE FOR CORONAVIRUS.

6) INTERESTINGLY ENOUGH, THE GENERAL F.C.I. ELKTON

INMATE POPULATION IS NOT BEING TESTED FOR CORONAVIRUS, AND AS SUCH,

ANY RELATIVE NUMBER OF SYSTEMATIC AND/OR ASYSTEMATIC CARRIERS IS

COMPLETELY UNKNOWN; AND WITH AN INMATE POPULATION OF ABOUT (2000),

THE NUMBER COULD BE ENORMOUS, THEREBY, INCREASING A DEATH

SENTENCE FOR THIS INMATE AND OTHERS.

7) GIVEN THAT, ABOUT (100) INMATES AND STAFF ARE

CURRENTLY BEING QUARANTINED.

8) MAYBE A COUPLE DOZEN INMATES ARE CURRENTLY

BEING HOSPITALIZED WITH SEVERAL INMATES ON VENTILATORS.

9) TO DATE, APPARENTLY EIGHT (8)-INMATES HAVE CURRENTLY

DIED FROM CORONAVIRUS AT F.C.I. ELKTON, ESSENTIALLY BEING ISSUED

A DEATH SENTENCE BY THE (FBOP) AND F.C.I. ELKTON (WARDEN MARK

K. WILLIAMS AND OTHER STAFF); NOT THE SENTENCING COURT.

10) DUE TO STAFF INFECTIONS, BUREAU STAFFING IS SEVERELY UNDERSTAFFED.

11) GIVEN THE UNPRECEDENTEDNESS OF THIS PANDEMIC, THE SPARSE STAFF ARE EXTREMELY ILL-PREPARED AND NOT EQUIPPED TO SAFELY PROVIDE NEEDED PROVISIONS UNDER SET SAFE CRITERIA TO PROTECT THE INMATES AND THE STAFF AT F.C.I. ELKTON (OF WHICH A LOWERED INMATE POPULATION WOULD SIGNIFICANTLY SUPPORT).

12) PLACING INFECTED INMATES AT THE LOCAL HOSPITAL HAS, APPARENTLY, CAUSED OUTRAGE FROM THE LOCAL POPULATION.

13) F.C.I. ELKTON'S MEDICAL DEPARTMENT WAS SO UNDERSTAFFED AND UNQUALIFIED FOR THIS 'ELKTON PANDEMIC' THAT THE STATE OF OHIO HAD TO DEPLOY THE OHIO NATIONAL GUARD TO PROVIDE MEDICALLY QUALIFIED STAFF INSIDE F.C.I. ELKTON PRISON.

14) SO PERVERSIVE IS THE CORONAVIRUS 'ELKTON PANDEMIC' THAT OHIO NATIONAL GUARD SET UP A TEMPORARY HOSPITAL INSIDE THE PRISON UNICOR FACILITY.

15) F.C.I. ELKTON IS USING EDUCATION, CHAPEL, AND RECREATION AREAS FOR VARIOUS QUARANTINING REGIMINS.

16) MEDICAL STAFF HAD STOPPED TAKING TEMPERATURES OF INMATES UNTIL (PRESUMABLY, IN RESPONSE TO THE ACLU CLASS ACTION CIVIL SUIT) RECENTLY WHEN THEY RESTARTED IT.

17) CASE MANAGERS ARE DELIBERATELY IGNORING INMATE NEEDS AND QUESTIONS REGARDING HALF-WAY HOUSE, HOME CONFINEMENT, COMPASSIONATE RELEASE, CORONAVIRUS CONCERNNS, AND MANY OTHER HEALTH, SAFETY, AND OVERCROWDING CONCERNNS.

18) ONE INMATE WAS ISSUED AN INCIDENT REPORT AND PLACED IN SPECIAL HOUSING UNIT (ISOLATION) FOR REQUESTING A FACE

MASK (THAT BEATELY HAVE SINCE BEEN ISSUE INSTITUTION-WIDE).

19) ELKTON PRISON STAFF ACKNOWLEDGE THE "SOCIAL DISTANCING" REQUISITE AND IS VISUALLY EVIDENT IN THE CONTROLLED SINGLE UNITS MOVEMENTS TO GET STYROFOAM TRAYS WITH PREPARED MEALS FOR 'IN UNIT' CONSUMPTION, TAPE SPACING ON DINING HALL FLOOR, AND SET-UP CAUTION CONES ON THE COMPOUND; BUT INMATES ARE ISOLATED IN UNIT AND PACKED, ALMOST LITERALLY, SHOULDER-TO-SHOULDER WHILE ASSIGNING NEW INMATES TO ANY AVAILABLE OPEN BUNK (AND THIS AFTER THIS (FBOP) HAD DISSIMINATED A MEMO [BUREAU-WIDE] THAT ALL TRANSFERS WERE SUSPENDED FOR THIRTY (30) DAYS - BUT WERE NOT).

20) NEXT TO NO CORONAVIRUS SCREENING BEING PERFORMED ON INMATES AT THIS INSTITUTION.

21) WHILE SOME MINIMAL SANITATION PROCEDURES HAVE SINCE BEEN IMPLEMENTED; THIS INSTITUTION WAS IMPLEMENTING NEXT TO NOTHING UNTIL THE ACLU CLASS ACTION CIVIL SUIT WAS FILED AND GRANTED.

22) F.C.I. ELKTON STAFF IS UNDERSTOOD TO BE CURRENTLY IN VIOLATION OF THE UNITED STATES DISTRICT COURT OF NORTHERN OHIO DECISION AND ORDER; CIVIL CASE NO. 4:20-CV-794

CONSEQUENTLY; PETITIONER PRESENTS HIS SPECIFIC CIRCUMSTANCES THAT HE PRAYS THIS DISTRICT COURT WILL WEIGH IN ITS CONSIDERATION OF COMPASSIONATE RELEASE OR COMPASSIONATE

RELEASE TO HOME CONFINEMENT, OR TIME REDUCTION AS THE HONOURABLE JUDGE O'MEARA WANTED TO SENTENCE ME TO 5 YEARS, BUT HIS HANDS WERE TIED and Had TO give me THE MANDATORY min sentence. also UNFORSEEN HEALTH ISSUES THAT I DID NOT Have AT THE TIME of Sentence. b. Have SUCH APPEARED. THEY are COPD, ASMA, HEART issues and CRONIC PAIN from HYDRO SEALS. THAT BOP ELKTON Refuses to

Provide pain medication THAT was proscribed at BOP Sandstone. If granted relief I have home placement, employment, full family support and V.A. support.

In conclusion; Petitioner prays this District Court grants his prayer for relief in this petition. Petitioner was not court sentenced to a death sentence; and while any person can die at any time, allowing F.C.I. Elkton prison staff

to knowingly exacerbate the possibility of death is constitutionally

forbidden and humanly reprehensible. CoronaVirus inmates were

roaming the compound and possibly still are. No general testing

is being performed and no one knows two facts are known. One,

Eight (8) inmates, to date, received an (FBOP) enhanced sentence of

death not court issued due to "deliberate indifference" actions.

Two. CoronaVirus is deadly and F.C.I. Elkton prison is a "hotspot"

Petri dish for infections with multiple deaths logged and counting.

Such should warrant some form of Compassionate Release, home

confinement, or other relief given personal factors enumerated.

Petitioner sincerely thanks this District Court for its consideration of this petition, and, prayerfully its grant.

RESPECTFULLY SUBMITTED; Matthew Tyler

43913039

DATE: 5-1-2020

(6) OF (6)

TRULINCS 43913039 - TYLER, MATTHEW - Unit: ELK-D-B

FROM: Warden
TO: 43913039 TYLER, MATTHEW
SUBJECT: RE:***Inmate to Staff Message***
DATE: 04/22/2020 02:02 PM

You do not meet the criteria for placement on home confinement under the CARES Act due to your current conviction for a sex offense.

>>> ~^!"TYLER, ~^!MATTHEW" <43913039@inmatemessage.com> 4/12/2020 2:57 PM >>>

To: Warden

Inmate Work Assignment: unit ordlery

I was told to contact you about home confinement I don't know all the criteria for it but I know I fit most of it with age health issues and time in. I have home placement, jobs, family support and a clean and healthy living arrangements to live in. I'm x military and to be honest I'm tired of prison. I thank you for looking into this and hope you will concede me for home confinement. thank you. Matthew Tyler 439130-039 d-b

TRULINCS 43913039 - TYLER, MATTHEW - Unit: ELK-D-B

FROM: 43913039 TYLER, MATTHEW
TO: Warden
SUBJECT: ***Request to Staff*** TYLER, MATTHEW, Reg# 43913039, ELK-D-B
DATE: 04/29/2020 08:02 PM

To: Warden Williams
Inmate Work Assignment: unit ordlery

ill try to respond to what you are asking for. as i have been in extreme pain since doctor Dunlop took me off my pain meds for no reason and my issues have not been fixed. concentrating is hard. i have copd, possible asthma and lung damage do to chemicals. also chronic pain for hydro seals, and a operation that still causes pain. none of these problems i had prior coming to prison. and care in prison as you know is not as good as it could begin have full medical through v/a and as i said earlier home placement with my dad then wife. employment as i am a tattoo artist, and plumber. i have done over 75% of my time and try to keep to my own with work and programming when i can. i know my crime keeps me from almost all forms of relief as it is a computer crime. im almost 60 and have 3 and a half years left in prison . if you would conceder me for some type of time reduction or compassionate release. me and my family would be great full. also i honestly don't want to die in prison. i need to get my life together for my wife, kids and grand kids. i thank you for your time and any consideration you might give me even if not thank you for your time and i hope i did this right. thank you.

----Warden on 4/29/2020 3:17 PM wrote:

>

Please provide the reason/criteria you are applying under.

>>> ~^!"TYLER, ~^!MATTHEW" <43913039@inmatemessage.com> 4/26/2020 7:43 PM >>>

To: Warden Williams
Inmate Work Assignment: unit ordlery

I know your busy sir and thank you for your time in this matter. i was told by my attorney to submit a copout to you for a 18 u.s.c. 3582 (c) (1). for time reduction or compassionate release do to health issues. i have a home placement, employment, and full family support if and when I'm released i am also a vet of the u.s. army. thank you for your time sir.



U.S. Department of Justice

Federal Bureau of Prisons

Federal Correctional Institution

Elkton, Ohio 44415

Date: May 7, 2020

Reply to
Attn of: 
Mark K. Williams, Warden

Subject: Compassionate Release/Reduction in Sentence

To: TYLER, Matthew
Reg. No. 43913-039
Unit DB

This is in response to your request for a reduction in sentence (RIS) based on underlying health issues and concerns about COVID-19.

Title 18 of the United States Code, section 3582(c)(1)(A), allows a sentencing court, on motion of the Director of the BOP, to reduce a term of imprisonment for extraordinary or compelling reasons. BOP Program Statement No. 5050.50, Compassionate Release/Reduction in Sentence: Procedures for Implementation of 18 U.S.C. §§ 3582(c)(1)(A) and 4205(g), provides guidance on the types of circumstances that present extraordinary or compelling reasons, such as the inmate's terminal medical condition; debilitated medical condition; status as a "new law" elderly inmate, an elderly inmate with medical conditions, or an "other elderly inmate"; the death or incapacitation of the family member caregiver of the inmate's child; or the incapacitation of the inmate's spouse or registered partner. Your request has been evaluated consistent with this general guidance. Health Services staff have reviewed your medical records and determined you do not meet the criteria for a compassionate release/reduction in sentence at this time.

The BOP is taking extraordinary measures to contain the spread of COVID-19 and treat any affected inmates. We recognize that you, like all of us, have legitimate concerns and fears about the spread and effects of the virus. However, your concern about being potentially exposed to, or possibly contracting, COVID-19 does not currently warrant an early release from your sentence. Accordingly, your RIS request is denied at this time.

Matthew Tyler 43913039
Federal Correctional Institution El Reno
P.O. Box 10
Lisbon, OH 44432

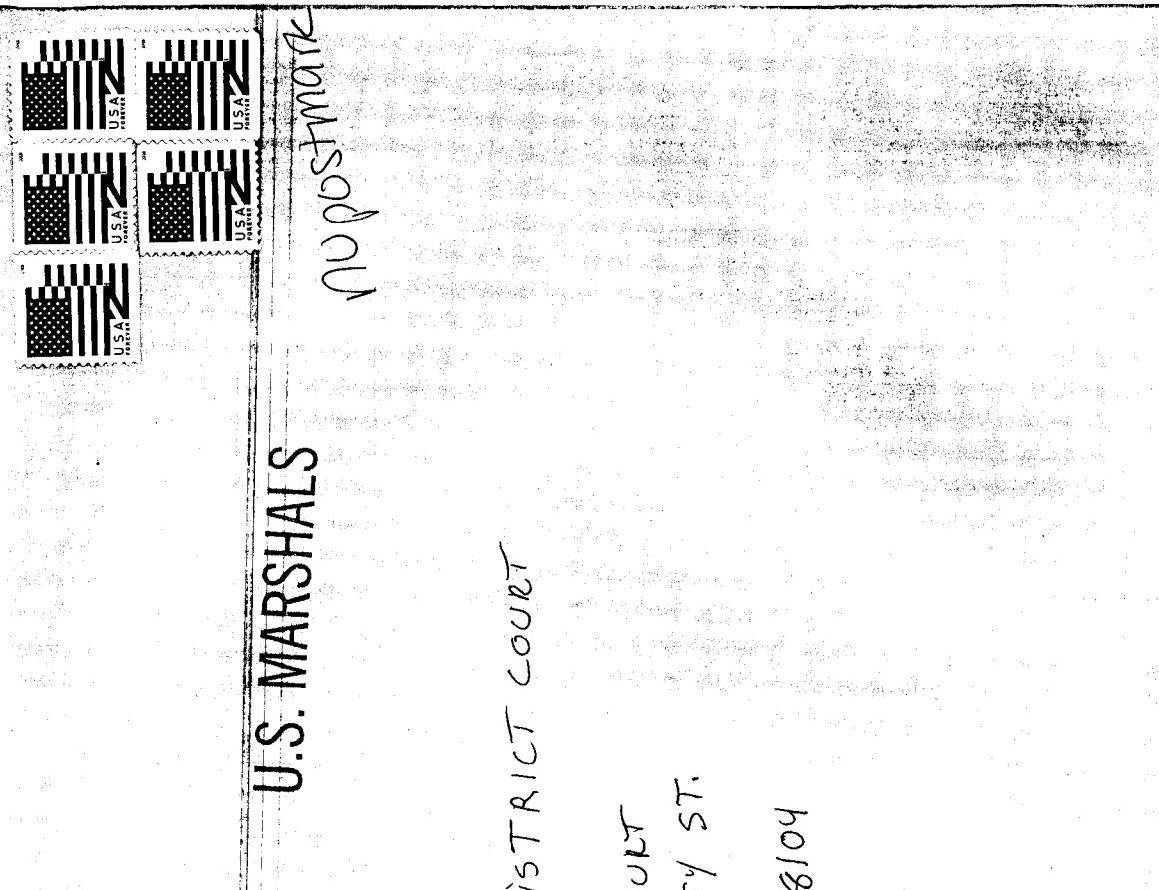
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U.S. DISTRICT COURT
CLERK'S OFFICE
MAY 27 2020

Federal District Court
Ann Arbor, MI
Clerk of Court
200 E Liberty St.
Ann Arbor MI
48104

48104

MOSQUITO



SOLD IN COMMISSION